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Shawn Wiederin

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/950,025
Filing Date: September 12, 2001
Appellant(s): WIEDERIN, SHAWN

John E. Harrity
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 12, 2009 appealing from the Office action mailed August 19, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

On October 23, 2007, the board of Appeals and Interferences has affirmed the examiner's rejection mailed August 5, 2005 for the current application.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are copied from the final rejection mailed on August 19, 2008, and applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-16, 18-19, 22-26, 28-29 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sacks, US 2002/0016765 A1.

As to claims 43-44, Sacks a method of performing monetary transaction, and a computer-readable medium containing instructions for controlling at least one processor to perform a method for conducting a monetary transaction, comprising (abstract):

- a) receiving payee identification information, user information, and amount information from a wireless device associated with a user (¶¶ 19, 38-44, and claim 1 in page 4, and claims 5 and 8 in page 5);
- b) identifying a first account associated with the user based on the user information (¶¶ 40-44);

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- c) prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee identification information (§§ 44-45, and claim 1 in page 4, and claims 5 and 8 in page 5);
- d) transferring funds based on the amount information between the first and the second account (§§ 45).

As to claims 12 and 22, Sacks teaches determining a user profile and a payee profile (§§ 32-34 and Fig. 2).

As to claims 13 and 23, Sacks teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (§§ 32-34).

As to claims 14 and 24, Sacks teaches the payee profile is based on information relating to a second account associated with the payee (§§ 32-34, 41-45).

As to claims 15 and 25, Sacks teaches recording information about the transfer of the funds (§§ 16).

As to claims 16 and 26, Sacks teaches wherein the wireless device includes a cellular telephone, or a personal computer (§§ 19).

As to claims 18 and 28, Sacks teaches the user information comprises at least one of personal information about the user, a name, an address, a phone, or an e-mail address (§§ 41-43).

As to claims 19 and 29, Sacks teaches at least one of monitoring passwords, encrypting information, and monitoring user information (§§ 16, 21, 23, 41-42).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-9, 32-36, 38-39, 41-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks, US 2002/0016765 A1 in view of Official Notice, in further view Kim, et al., US 2005/0086164 A1.

As to claims 42 and 45, Sacks teaches a monetary transaction system and a network device, comprising (abstract):

- a) receiving payee identification information, user information, and amount information from a wireless device associated with a user ((¶ 19, 38-44, and claim 1 in page 4, and claims 5 and 8 in page 5);
- b) identifying a first account associated with the user based on the user information (¶ 40-44);
- c) identifying a second account associated with the payee based on the payee identification information (¶ 44-45, and claim 1 in page 4, and claims 5 and 8 in page 5);
- d) transfer funds based on the amount information between the first and the second account (¶ 45);
- e) sending a notification of the transfer of the funds to the wireless device (¶ 19, 46).

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Sacks does not specifically teach the notification including an itemization of goods or services associated with the transfer. The examiner takes Official Notice that it is well known in the art to send a notification including an itemized goods or services that are purchased (or associated with the transfer). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the notification in Sack's teaching to include an itemization of goods and services associated with the transfer for allowing the payee or the user to better acknowledge the items that will be delivered.

Sacks modified by Official Notice does not specifically teach the user information further includes information identifying the wireless device, and identifying the first account associated with the user include the received wireless device identifying information. However, Kim teaches a user using a wireless device conducting payment including receiving information for identifying the wireless device, and using the wireless device identifying information to identify the user account (§§ 25-28 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user information in the teaching of Sacks modified by Official Notice to include the information for identifying the wireless device and using the wireless device identifying information to identify the user account as taught by Kim for ensuring validity of the user and his/her payment.

As to claims 2 and 32, Sacks teaches wherein the payment processing system includes a profile determination device that determines at least one of a user profile and a payee profile (§§ 32-34 and Fig. 2).

As to claims 3 and 33, Sacks teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (§§ 32-34).

As to claims 4 and 34, Sacks teaches the profile determination device determines a payee profile based on identification information (§§ 32-34, 41-45).

As to claims 5 and 35, Sacks teaches a transaction database that records information about the transfer of the funds (§§ 16).

As to claims 6 and 36, Sacks teaches wherein the wireless device includes a cellular telephone, or a personal computer (§§ 19).

As to claims 8 and 38, Sacks teaches the user information comprises at least one of personal information about the user, a name, an address a phone, or an e-mail address (§§ 41-43).

As to claims 9 and 39, Sacks teaches a security device that monitors passwords, encrypts information, or monitors payer information (§§ 16, 21, 23, 41-42).

As to claim 41, Sacks modified by Official Notice and Kim further teaches wherein the device identification comprises an electronic number identifier (Kim: §§ 25-28 and see motivation for combining in claim 45 above).

(10) Response to Argument

The appellant's numerous pages of arguments are based on whether Sacks teaches receiving payee identification information, user information, and amount information from a wireless device associated with a user. The examiner believes that Sacks clearly teaches this limitation. Sacks explicitly discloses the user employs

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communications uses “any type of communication or computing device, such as a computer (e.g. portable, handheld, desktop), a smart phone (e.g. WAP (wireless Access Protocol)),...” as stated by Sacks (see ¶ 19); thus, Sacks teaches the user transmitting the information from a wireless device. In other words, Sacks teaches receiving information from a wireless device associated a user. Sacks further teaches the information transmitted from the user comprising email address, user name, address, telephone number (see ¶ 42-43) that correspond to the appellant’s payee identification information, financial information such as credit card or bank account information (¶ 43) corresponds to the appellant’s user information, and the quantity of an item being purchased (¶ 44) corresponds to the appellant’s amount information as claimed. Therefore, Sacks teaches receiving payee identification information, user information, and amount information from a wireless device associated with a user.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mary Cheung/

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Conferees:

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